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I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office, Commissioner for Patents, via the EFS pursuant to 37 CFR §1.8 on the below date:

Date: February 26, 2009

Name: Trevor Copeland, 50,292

Signature: /Trevor Copeland/

Our Case No. 13097/3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

John S Lollar

Serial No.: 10/813,507

Filing Date: March 30, 2004

Title: NUCLEIC ACID AND AMINO ACID
SEQUENCES ENCODING HIGHLEVEL
EXPRESSOR FACTOR VIII
POLYPEPTIDES AND METHODS OF
USE

Examiner: Terra C. Gibbs

Group Art Unit: 1635

Confirmation No. 5299

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction/Election Requirement in the Office Action mailed September 30, 2008, Applicants provisionally elect the mutation K1245R of claims 41-42, with traverse of the restriction requirement of the mutations making up the Markush group. Please amend the above-identified application as follows:

Amendments to the claims begin on page 2 of this paper.

Remarks being on page 6 of this paper.